
HOUSE BILL No. 2141

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-26-1.

Synopsis: Driver and passengers at scene of accident. Requires the driver and the other occupants of a vehicle involved in an accident resulting in the injury or death of a person to remain at the scene of the accident until released by authorities. Requires a passenger to provide necessary information and render reasonable assistance at the scene of an accident resulting in injury or death if the driver is unable to do so. Makes it a Class C misdemeanor for a driver to fail to give notice to authorities of an accident resulting in injury or death or to fail to remain at the scene of the accident. Makes it a Class C misdemeanor, if the driver is incapacitated, for a passenger to fail to provide necessary information and render reasonable assistance at the scene of an accident resulting in injury or death. Provides that a passenger who fails to remain, until released by authorities, at the scene of an accident resulting in injury or death commits a Class B infraction.

Effective: July 1, 2001.

Thompson

January 17, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2141

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. The driver of a vehicle involved
3 in an accident that results in the injury or death of a person shall do the
4 following:

5 (1) Immediately stop the vehicle at the scene of the accident or as
6 close to the accident as possible in a manner that does not
7 obstruct traffic more than is necessary.

8 (2) **If physically and mentally capable of doing so**, immediately
9 return to and remain at the scene of the accident until the driver:
10 ~~does the following:~~

11 (A) gives the driver's name and address and the registration
12 number of the vehicle the driver was driving to:

13 (i) **the person struck, if a person was struck in the**
14 **accident; and**

15 (ii) **the driver or occupant of or person attending each**
16 **vehicle involved in the accident;**

17 (B) upon request, exhibits the driver's license of the driver to:



the following:

(i) the person struck, **if a person was struck in the accident;** and

(ii) the driver or occupant of or person attending each vehicle involved in the accident; **and**

(C) determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.

(3) If physically and mentally capable of doing so, immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department, if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(4) If physically and mentally capable of doing so, remain at the scene of the accident until the arrival of and release from investigation by the representative of the law enforcement agency responding to the notice given under subdivision (3).

(5) Within ten (10) days after the accident, forward a written report of the accident to the state police department.

SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. Each occupant (other than the driver) of a vehicle involved in an accident resulting in the injury or death of a person shall do the following:**

(1) Remain at the scene of the accident, if physically and mentally capable of doing so, until a representative of a responding law enforcement agency referred to in section 1(3) of this chapter releases the occupant from the scene.

(2) File a report with the state police department, if required to do so under section 5(2) of this chapter.

SECTION 3. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6. (a) If:**

(1) the driver of a vehicle is physically or mentally incapable of complying with section 1(2)(A), 1(2)(C), 1(3), and 1(4) of this chapter; and

(2) there is another occupant in the vehicle at the time of the accident who is capable of complying with section 1(2)(A), 1(2)(C), 1(3), and 1(4) of this chapter;

the occupant referred to in subdivision (2) shall carry out or cause

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to be carried out the requirements of section 1(2)(A), 1(2)(C), 1(3), and 1(4) of this chapter.

(b) If:

(1) the driver of a vehicle is physically **or mentally** incapable of making an immediate or a written report of an accident as required by this chapter; and

(2) there **is** another occupant in the vehicle at the time of the accident capable of making an immediate or a written report; the occupant **referred to in subdivision (2)** shall make or cause to be made the report not made by the driver.

~~(b)~~ (c) If:

(1) the driver of a vehicle is physically **or mentally** incapable of making an immediate or a written report of an accident as required by this chapter;

(2) there ~~was~~ **is** no other occupant **in the vehicle**; and

(3) the driver is not the owner of the vehicle; the owner of the vehicle involved in the accident shall, within five (5) days after the accident, make the report not made by the driver.

SECTION 4. IC 9-26-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) A person who fails to stop or comply with section 1(1) or 1(2) of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:

(1) a Class D felony if:

(A) the accident involves serious bodily injury to a person; or

(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a); and

(2) a Class C felony if the accident involves the death of a person.

(b) **A person who violates section 1(3) or 1(4) of this chapter commits a Class C misdemeanor.**

(c) A person who fails to stop or comply with section 3 or 4 of this chapter after causing damage to the property of another person commits a Class B misdemeanor.

SECTION 5. IC 9-26-1-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 11. A person who violates section 1.5 of this chapter commits a Class B infraction.**

SECTION 6. IC 9-26-1-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 12. A person who violates section 6(a) of this chapter commits a Class C misdemeanor.**

